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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,035	04/03/2001	Nobuyuki Tanaka	WN-2316	8744
21254	7590	01/11/2006	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			FISH, JAMIESON W	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/824,035

Applicant(s)

TANAKA, NOBUYUKI

Examiner

Jamieson W. Fish

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09-07-2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 14-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims **1-10**, **12** and **14-23** have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim **16** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The signal structure is a non-functional data structure and as such is nonstatutory. See MPEP 2106.

### ***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims **1**, **12**, **14-15**, **17-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky (US 6,141,530) in view Hershey (US 5,544,077).
6. Regarding claim **1**, Rabowsky teaches a digital content reproducing system comprising: a movie company terminal which stores and manages a digital content of movies (See Fig. 4 and Col. 13 line 15-Col. 14 line 3 The Creator/Editor system stores and edits movies); a content delivery terminal in communication with the movie company terminal via a network (See Fig. 1 and Col. 5 lines 52-61 Creator/Editor system delivers cinema files to Headend); and a projecting system which is connected to the content delivery terminal via the network, receives the digital content from the

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content delivery terminal via the network, and reproduces the digital content to show a movie (See Fig 2 Secure Projector System 76 and Col. 1 lines 61-67 and Col. 8 lines 44-50 Headend delivers cinema files to theaters) wherein the projection system comprises a reproducing device which decodes signals (See Col. 10 lines 34-67, Col. 11 lines 1-53). Rawbosky fails to disclose a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the back-up reproducing device. However, data processing systems with standby processors that run the same processes as the primary and receive predetermined signals from the primary are well known in the art as taught by Hershey as prior art to his invention (See Col. 2 lines 28-45). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rabowsky to incorporate a backup reproducing device that performs the same processes as the reproducing device, including decoding signals, while the reproducing device periodically sends a first predetermined signal to the back-up reproducing device as taught by Hershey to provide a highly reliable system for continuous availability of the data processing resource (See Hershey Col. 2 lines 28-30).

7. Regarding claim **12**, Rabowsky teaches a digital content reproducing system comprising: a movie company terminal which stores and manages a digital content of movies (See Fig. 4 and Col. 13 line 15-Col. 14 line 3 The Creator/Editor system stores and edits movies); a content delivery terminal in communication with the movie company terminal via a network (See Fig. 1 and Col. 5 lines 52-61 Creator/Editor system delivers cinema files to Headend); and a projecting system which is connected

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to the content delivery terminal via a network wherein the projecting system receives digital content from the content delivery terminal via the network and reproduces the digital content to show a movie, (See Fig 2 Secure Projector System 76 and Col. 1 lines 61-67 and Col. 8 lines 44-50) the projecting system comprising: a reproducing device which supplies signals to reproduce the digital content (See Col. 10 lines 34-67, Col. 11 lines 1-53). Rawbosky fails to disclose a backup reproducing device which supplies signals to reproduce the digital content when the reproducing device can not serve to reproduce digital content, wherein the backup reproducing device performs a decoding process of the digital content while the reproducing device periodically sends a first predetermined signal to the backup reproducing device, and the backup reproducing device starts processing the decoded digital content and supplying the signals to reproduce the movie in addition to the decoding process when the reproducing device stops sending the first predetermined signal. However, data processing systems with standby processors that run the same processes as the primary, receive predetermined signals from the primary indicating the status of the primary, and supply system output when the received signal indicates that the primary has failed are well known in the art as taught by Hershey as prior art to his invention (See Col. 2 lines 28-45). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rabowsky to incorporate a backup reproducing device that performs the same processes as the reproducing device, including decoding signals, while the reproducing device periodically sends a first predetermined signal to the back-up reproducing device, and to supply signals when the primary device stop sending a first

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predetermined signal as taught by Hershey to provide a highly reliable system for continuous availability of the data processing resource (See Hershey Col. 2 lines 28-30).

8. Regarding claims **14**, **15**, and **17** Rabowsky teaches a method of reproducing a digital content at a movie theater terminal received from a movie company terminal from a movie company terminal via a content delivery company terminal at either one of a reproducing device and a backup reproducing device comprising: at the movie company terminal (Creator/Editor System) sending a status report to the content delivery company terminal (Headend) (See Figs. 1 and 4 and Col. 14 lines 4-19 ECFMS of Creator/Editor system sends a status report to CFMS of Headend, sending a status report is equivalent to requesting registration); at the content delivery system (Headend) requesting a movie file from the movie company terminal (Creator/Editor System) (See Col. 14 lines 4-19 Requesting a movie file is equivalent to sending a request to register); at the movie company terminal (Creator/Editor System) sending a movie file to the content delivery system (Headend) (See Col. 14 lines 4-19 Sending a movie file to the content delivery system from the movie company is equivalent to the claimed sending step at movie company terminal and the claimed receiving step at the content delivery terminal); and sending the movie file to a movie theater terminal (See Fig 2 Secure Projector System 76 and Col. 1 lines 61-67 and Col. 8 lines 44-50 Headend delivers cinema files to theaters). For limitations of the reproducing device see discussion of claim 1.

9. Regarding claim **18**, Rabowsky modified with Hershey teaches wherein the backup reproduction device sends the decoded signals to the projecting system if the reproducing device stops send the first predetermined system (See Hershey Col. 2 lines 28-45).
10. Regarding claim **19**, Rabowsky modified with Hershey teaches wherein the backup reproducing device sends a second predetermined signal to the reproducing device in response to the reproducing device stopping the sending of the first predetermined signal (See Hershey Col. 2 lines 28-45).
11. Regarding claim **20**, Rabowsky modified with Hershey teaches wherein the reproducing device stops sending decoded signals in response to receiving the second predetermined signal (See Hershey Col. 2 lines 28-45).
12. Regarding claim **21**, Rabowsky modified with Hershey teaches wherein the backup reproducing device decrypts signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device (See Rabowsky Col. 10 lines 34-67, Col. 11 lines 1-53. Reproducing and backup reproducing devices perform same processes; see discussion of claim **1**).
13. Regarding claim **22**, claim **22** has similar limitations to claim **1**, thus claim **22** is discussed and rejected according to claim **1**.
14. Regarding claim **23**, claim **23** has similar limitations to claim **18**, thus claim **23** is discussed and rejected according to claim **18**.
15. Claims **2-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky in view of Hershey and further in view of Takamori (US 5,287,186).

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16. Regarding claim 2, Rabowsky modified with Hershey teaches a mass memory unit which stores the digital content supplied via the network (See Fig 2 Storage/Playback System 62 and Col. 10 lines 12-25). Although Rabowsky modified with Hershey teaches that output is switched from the primary processor to the standby processor this switchover is not necessary accomplished through use of an AV input switching device which receives output signals from the reproducing device and the backup reproducing device and selects output signals from an active one of the reproducing device and the backup reproducing device to produce the selected output signals. However, such an AV input switching device is well known in the art as taught by Takamori (See Fig. 1 Switching Portion 5 and Col. 3 lines 60-67, Col. 4 lines 1-2). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Rabowsky and Hershey to include an AV input switching device which receives output signals from the reproducing device and the backup reproducing device and selects output signals from an active one of the reproducing device and the backup reproducing device to produce the selected output signals as taught by Takamori so each reproducing device can be replaced without adversely affecting the operation of the other (See Takamori Col. 1 lines 28-48).

17. Regarding claim 3, Rabowsky modified with Hershey further modified with Takamori teaches wherein output signals supplied from the reproducing device are each separated into video signals and audio signals (See Rabowsky Fig. 2 DeMux/Motion Picture Decryptor 74 and Col 10 lines 54-59), and wherein the projecting system further comprises: a projecting device which receives the video signals and



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projects them on a screen (See Rabowsky Fig 2 Projector 88, Screen and Col 11 lines 10-30); and an audio processor which receives the audio signals device and outputs them to a loudspeaker (See Rabowsky Fig. 2 Audio Distribution Controller 84, Speakers 90 and Col 11 lines 60-65). In the modified Rabowsky, discussed with regards to claim 2, which includes a backup reproducing device and an AV input switching device, the projector and audio processor would receive output signals from the AV input switching device.

18. Regarding claim 4, Rabowsky modified with Hershey further modified with Takamori teaches a reproducing device comprising: a decrypting module which is connected to the mass memory unit and decrypts the digital content received from the mass memory unit (See Rabowsky Fig. 2 DeMux/Motion Picture Decryptor 74 and Col. 10 lines 54-58); an AV separating module which receives the digital content from the decrypting module and separates them into the video signals and the audio signals (See Rabowsky DeMux/Motion Picture Decryptor 74 and Col. 10 lines 54-58); a video decoder which receives the video signals from the AV separating module and decodes them (See Rabowsky Fig 2 Motion Picture Decompressor and Col. 10 lines 55-67); a video signal output device which receives the decoded video signals from the video decoder and outputs them to the projector (See Rabowsky Figure 2, the connection between 86 and 88. This connection would be a conductive material capable of receiving and outputting signals); an audio decoder which receives the audio signals from the AV separating module and decodes them (See Rabowsky Fig 2 Audio Distribution Controller 84 and Col. 11 lines 1-10 and 61-67, and Col. 12 lines 1-7); and

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an audio signal output device which receives the decoded audio signals from the audio decoder and outputs them to the Speakers (See Rabowsky Fig. 2, the connection between 84 and 90 This connection would be a conductive material capable of receiving and outputting signals). In the modified Rabowsky, discussed with regards to claim 2, which includes a backup reproducing device with the same elements as the primary reproducing device and an AV input switching device (Takamori Col 2 lines 16-26), the AV input switching device would receive output signals from the video output device and the audio output device.

19. Regarding claim 5, Rabowsky modified with Hershey further modified with Takamori teaches wherein the backup reproducing device decodes the signals at the video decoder and the audio decoder while the reproducing device periodically sends a first predetermined signal to the backup reproducing device, and wherein the backup reproducing device starts sending process of the decoded signals to the AV input switching device in addition to the decoding process when the reproducing device stops sending the first predetermined signal (See Hershey Col. 2 lines 28-45 Heartbeat Signal).

20. Regarding claim 6, Rabowsky modified with Hershey further modified with Takamori teaches wherein the backup reproducing device sends a second predetermined signal, to instruct the reproducing device to stop, after the backup reproducing device starts the sending process (See Hershey Col. 2 lines 28-45).

21. Regarding claim 7, Rabowsky modified with Hershey further modified with Takamori teaches wherein the digital content is individually supplied in the form of audio

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and video data (See Takamori Fig. 1 Video and Audio are individually supplied both to blocks 1 and 3 from source and to switching portion 5 from blocks), and wherein the reproducing device and the backup reproducing device comprise the same elements (See Takamori Fig. 1 and Col. 2 lines 4-26) and each of the devices comprises a video data processing section and an audio processing section (See Takamori Fig. 1 and Col. 2 lines 4-26), the video data processing section comprising: a first decrypting module which is connected to the mass memory unit and decrypts the video data received from the mass memory unit (See Rabowsky Fig 2. Demux/Motion Picture Decryptor 74 and Col. 10 lines 54-58); a video decoder which receives the video signals from the decrypting module and decodes them (See Rabowsky Fig. 2 Motion Picture Decompressor and Col. 10 lines 59-65); a video signal output device which receives the decoded video signals from the video decoder and outputs them AV input switching device (See Takamori Fig. 1 The connection between 13 and 5. This connection is a conductive material capable of receiving and outputting signals), the audio data processing section comprising: a second decrypting module which is connected to the mass memory unit and decrypts the audio data received from the mass memory unit (See Rabowsky Fig. 2 Audio Distribution Controller 84 and Col 11. lines 61-67 Col. 12 lines 1-7); an audio decoder which receives the audio signals from the second encrypting module and decodes them (See Rabowsky Fig. 2 Audio Distribution Controller 84 and Col 11. lines 61-67 Col. 12 lines 1-7); and an audio signal output device which receives the decoded audio signals from the audio decoder and outputs them to the AV input switching device (See Takamori Fig. 1 the connection between 15

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and 5 This connection is a conductive material capable of receiving and outputting signals).

22. Regarding claim 8, Rabowsky modified with Hershey further modified with Takamori teaches wherein the video signal output device supplies the decoded video signals to the projecting device other than through the AV input switching device (See Rabowsky Fig. 2 The connections between 86 and 88 and between 82 and 84) and/or the audio signal output device supplies the decoded audio signal to the audio processor other than through the AV input switching device (See Rabowsky Fig. 2 The connections between 86 and 88 and between 82 and 84).

23. Regarding claim 9, Rabowsky modified with Hershey further modified with Takamori teaches wherein the backup reproducing device decodes the signals at the video decoder and the audio decoder while the reproducing device periodically sends a first predetermined signal to the backup reproducing device, and wherein the backup reproducing device starts sending process of the decoded signals to the AV input switching device in addition to the decoding process when the reproducing device stops sending the first predetermined signal (See Hershey Col. 2 lines 28-45 Heartbeat Signal).

24. Regarding claim 10, Rabowsky modified with Hershey further modified with Takamori teaches wherein the backup reproducing device sends a second predetermined signal, to instruct the reproducing device to stop, after the backup reproducing device starts the sending process (See Hershey Col. 2 lines 28-45).

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 1-05-2005

  
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